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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,689	02/11/2002	Harold J. Plourde JR.	A-7420	4414

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SCIENTIFIC-ATLANTA, INC.  
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EXAMINER

VENT, JAMIE J

ART UNIT PAPER NUMBER

2616

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/073,689	<b>Applicant(s)</b> PLOURDE ET AL.	
	<b>Examiner</b> Jamie Vent	<b>Art Unit</b> 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 February 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All    b) ☐ Some \* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/11/04</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 9-29, and 31-41 rejected under 35 U.S.C. 102(b) as being unpatentable by Ward et al (US 6,756,997).

**[claims 1 & 23]**

In regard to Claims 1 and 23, Ward et al discloses a method and system for managing television presentation recordings comprising:

- determining if a television presentation corresponding to a television presentation listing is scheduled to be recorded (Figure 1 shows a complete listing of television programming that allows you to select what programs you would like to watch or record while Figure 6 shows programs that are scheduled to be recorded);
- assigning a color to the television presentation listing responsive to determining that the television presentation is scheduled to be recorded (Column 3 Lines 23-47 describes the changing of highlighting listings on the television presentation thereby changing the color of the listing as seen in Figure 6. Furthermore, Column 21 Lines 12-19 describes the different changes that a border of the television presentation listing can be changed to depending on the action (for example when the program is to be recorded the border turns yellow); and

- presenting the television presentation listing to a user (Figure 6 shows a television presentation listing to the user of selected programs to be watched or recorded).

**[claims 2, 3, 4, 24, 25, & 26]**

In regard to Claims 2, 3, 4, 24, 25, and 26, Ward et al discloses a method and system wherein the color, based on a color scheme, is used as a background/foreground color for the television presentation listing (Column 3 Lines 24- 46 describes the highlighting of the viewer selection from the program guide thereby meeting the limitation of the background color. Furthermore, the foreground color limitation is met by the changing of the border of the selected program is selected/changed. Also, noted in Column 16 Lines 50- 54 describes the color schemes that are based on themes that are categorized according to the program and thereby assigning various color schemes based on themes of varying programs.)

**[claims 5 & 27]**

In regard to Claims 5 and 27, Ward et al discloses a method and system wherein the color is determined based on whether the television presentation is scheduled to be recorded by a user (Column 12 Lines 12- 19 describes how the color is based on the action provided by the user (for example yellow is displayed when the program is selected, red when the program is set to be recorded, and orange when the program is to be watched)).

**[claims 6, 11, & 28]**

In regard to Claims 6, 11, and 28 Ward et al discloses a method and system wherein it is determined based on whether the television presentation has a time scheduling conflict with another television presentation that is scheduled to be recorded and the conflict is resolved (Column 12 Lines 37+ describes the conflict resolution that occurs when two programs are selected to be recorded at the same time and the resolution of the conflict).

**[claims 7, 10, 29, & 31]**

In regard to Claims 7, 10, 29, and 31, Ward et al discloses a method and system wherein it is determined based on a television presentation storage capacity that is expected to be available and the data storage conflict is resolved in response to receiving input from a user while the user is being presented with the television listing (Column 16 Lines 60-64 describes the process of the viewer when selecting programs to be recorded must be within the amount of memory storage that is available to resolve the a data storage conflict).

**[claims 9 & 32]**

In regard to Claims 9 and 32, Ward et al discloses a method and system for scheduling of the recording of the recording of the television presentation is edited in response to receiving input from a user while the user is being presented with the television listing (Figure 1 shows the display shown to the user which allows for the television presentation to be altered depending on user input as described in Column 3 Lines 40-46).

**[claim 12]**

In regard to Claim 12, Ward et al discloses a method and system wherein the scheduling of the recording of the television presentation is cancelled in response to receiving input from a user while the user is being presented with the television listing (Column 11 Lines 30-48 describes the cancellation of a television presentation by input from the user).

**[claims 13 ,16, 17, 33, 36, & 37]**

In regard to Claims 13, 16,17, 33, 36, and 37, Ward et al discloses a method and system wherein the user input corresponds to the activation of a record button, stop button, and a select button and thereby the television presentation listing is highlighted by the user input (Figure 2 shows remote control buttons in which is used for selection of record and stop commands by using the select button 42 and control arrows 28, 30, 32, and 34 allows for controlling of the television presentation listing through highlighting and selecting of programs).

**[claims 14 & 34]**

In regard to Claims 14 and 34, Ward et al discloses a method and system wherein the television presentation listing is highlighted at the time that the input is received (Figure 1 shows the highlighting of listing throughout the television presentation listing).

**[claims 15 & 35]**

In regard to Claims 15 and 35, Ward et al discloses a method and system wherein the scheduling of the recording of the television presentation was implemented in response to receiving input from a user while the user being presented with the television listing (Column 7 Lines 45-58 describes the record selection function that is present which allows for program to be recorded from the received input from the user).

**[claims 18,19, 20, 38, & 39]**

In regard to Claims 18, 19, 20, 38, and 39 Ward et al discloses a method and system wherein the television listing is presented via a television as part of a list of recorded television presentations and scheduled program recordings and interactive program guide (IPG) (Figure 1 shows a picture of the interactive program guide which allows viewer interaction with all capabilities of a program guide, as described in Column 5 Lines 48+. Therefore, due to the interaction of the user to the system via the program guide meets the limitation of an interactive program guide).

**[claims 21 & 40]**

In regard to Claims 21 and 40, Ward et al discloses a method and system wherein the television listing is implemented via a digital home communication terminal (DHCT) (Column 5 Lines 13-45 describes the system which consists of the components that comprises a DHCT).

**[claims 22 & 41]**

In regard to Claims 22 and 41, Ward et al discloses a method for managing television presentation recording, as stated in Claim 1, with the following additional limitations:

- assigning and presenting a background color to the television presentation listing if the television presentation is scheduled to be recorded (Column 16 Lines 50-54 describes the color schemes that are based on themes that are categorized according to the program and thereby assigning various background/foreground color schemes based on themes of varying programs.)
- receiving user input requesting an interactive program guide (Figure 1 shows a picture of the interactive program guide which allows viewer interaction with all capabilities of a program guide, as described in Column 5 Lines 48+. Therefore, due to the interaction of the user to the system via the program guide meets the limitation of an interactive program guide;

In regard to Claim 41, Ward et al discloses a method for managing television presentation recording, as stated previously in Claims 1 and 22, with the following additional limitations:

- the color is determined based on whether the television presentation has a time scheduling conflict with another television presentation is scheduled to be recorded (Column 12 Lines 37+ describes the conflict resolution that occurs when two programs are selected to be recorded at the same time and the resolution of the conflict);
- implemented via a digital home communication terminal (Column 5 Lines 13-45 describes the system which consists of the components that comprises a DHCT.)

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***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8 and 30 rejected under 35 U.S.C. 103(a) as being unpatentable over Ward et al (US 6,756,997) in view of Vallone et al (6,642,939).

**[claims 8 & 30]**

In regard to Claims 8 and 30, Ward et al discloses a method and system wherein the programs to be saved is determined based on whether data will need to be deleted from a data storage device due to available memory storage (Column 16 Lines 60-64 describes the users choice of keeping program listing on the EPG depending on the remaining amount of memory storage available in the system); however, fails to disclose that the EPG color is determined based on whether data will need to be deleted from a data storage device in order for the television presentation to be recorded in its entirety. Vallone et al discloses a schedule presentation system which provides a program guide with listing of programs, as seen in Figure 17, that are going to expire and will be deleted from the hard drive, storage of programs until the user explicitly deletes, or are currently saved on the storage disk. The listing of programs that are going to be deleted due to programming parameters and/or due to storage limit issues are noted with icons as seen in Figure 17 elements 1702, 1703, 1704, and 1712. The program listed with the visible distinguishable mark of an icon (element 1704) is set to be deleted due to lack of storage capacity which will allow for a newly recorded show to be saved (as disclosed in Column 15 Lines 50-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Ward by visually alerting the user that a program will be deleted in order for a new television program to be stored as taught by Vallone. Furthermore, it would have been obvious to utilize color change as the visually distinguishing parameter in the Ward device since Ward already makes use of color to distinguish between attributes in his system.

**Conclusion**

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:
- Alexander (US 6,177,931).



**Contact Information**

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamie Vent whose telephone number is 703-305-0378. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jamie Vent  
10/14/04



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